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VIA ECF

The Honorable Peggy Kuo, U.S.M.J.
U.S. District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Fischler v. Olly Public Benefit Corp., 1:21-cv-00097 (ERK)(PK)

Dear Magistrate Judge Kuo:

This firm represents Plaintiff Brian Fischler in this website accessibility case arising under Title III of the American's with Disabilities Act and the analogous state and city laws. We write now to respectfully request a second adjournment of the Initial Pretrial Conference currently scheduled for May 24, 2021 at 11:30

To date Plaintiff has made numerous good faith, albeit unsuccessful, attempts to serve Defendant at offices in New Jersey and California, including at the address listed on Defendant's website. Our process server has now identified another California address for Defendant and is currently attempting service there. Notwithstanding these ongoing, good faith efforts, Plaintiff is now outside his time to sever Defendant under Fed. R. Civ. P. 4(m) and, therefore, respectfully requests a further 30 days to do so. Plaintiff also requests a 30-day adjournment of the Initial Pretrial Conference to allow time to serve Defendant.

This is the first request for an enlargement of Plaintiff's time to serve process, and his second request an for adjournment of the Initial Pretrial Conference. This Court granted Plaintiff's earlier request to adjourn the Initial Pretrial Conference from April 9 to May 24. Because Defendant has not yet been served, Defendant neither consents, nor objects to this request.

We appreciate the Court's consideration of these matter.

Respectfully submitted,
LIPSKY LOWE LLP

s/ Christopher H. Lowe
Christopher H. Lowe